

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUTTES

VICTIM RIGHTS LAW CENTER, et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF EDUCATION,  
et al.,

Defendants.

Civil Action No. 25-11042-MJJ

**DECLARATION OF DAVID SAMBERG**

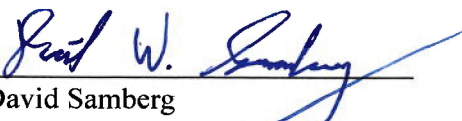
1. My name is David Samberg. I make this Declaration based on my own personal knowledge, on information contained in the records of the U.S. Department of Education (“Department”), and/or on information provided to me by Department employees.
2. I am currently employed as Special Assistant to the Acting Assistant Secretary for Civil Rights in the Department’s Office for Civil Rights (“OCR”), headquartered in Washington, D.C. I began my service at the Department on January 20, 2025. In my role at the Department, I assist the Acting Assistant Secretary for Civil Rights, Craig Trainor, with his duties and responsibilities running OCR and manage projects relating to policies and operations affecting OCR.
3. I am familiar with the previous declarations submitted by Department Chief of Staff Rachel Oglesby in the cases of *New York v. McMahon*, Case No. 25-10601-MJJ and *Somerville Public Schools v. Trump*, Case No. No. 25-10677-MJJ, on June 3, 2025, June 10, 2025, June 17, 2025, June 24, 2025, July 1, 2025, and July 8, 2025, the latter two of which included compliance information specific to the preliminary injunction issued by this Court on June 18, 2025 regarding the Department’s Office for Civil Rights (the “OCR Order”), and the further declarations of Rachel Oglesby submitted in this case regarding the OCR Order on July 15, July 22, 2025, July 29, 2025, August 5, 2025, and August 12, 2025, as well as the declaration of Steven Schaefer filed in this case on August 19, 2025. I incorporate herein by reference the statements made in those prior declarations (the “Prior Declarations”). Due to the stay ordered by the United States Supreme Court issued on July 14, 2025, in the aforementioned *New York* and *Somerville* cases, this declaration addresses compliance activities specific to the OCR Order.
4. I participate as an OCR representative in the ad hoc committee described in the Prior Declarations. Department officials from the ad hoc committee held discussions on August 25-26, 2025, addressing OCR-specific further reintegration activities required to comply with the OCR Order. By August 26, 2025, the Department:

- Updated and began to implement the schedule set forth in the August 19, 2025, Prior Declaration, for the Department to return to active duty, via remote-work status, as compelled by the OCR Order, the approximately 264 OCR employees who received RIF notices on March 11, 2025, with the following details:
  - 28 employees will return to active duty on September 8, 2025;
  - Approximately 60 employees will return to active duty on or about September 22, 2025;
  - Approximately 60 employees will return to active duty on or about October 6, 2025;
  - Approximately 60 employees will return to active duty on or about October 20, 2025;
  - Approximately 60 employees will return to active duty on or about November 3, 2025.
  - Notification will be sent to the employees with September 8 return dates, approximately one week prior.
  - With regard to the 28 employees returning on September 8, OCR confirmed the supervisors and work assignments for such employees and the Department initiated the following logistical tasks:
    - Confirming whether any such employees have voluntarily separated from employment or accepted outside employment that precludes return to active duty, as not all employees responded to the voluntary surveys described in Prior Declarations.
    - Ensuring receipt of updated government-furnished equipment (GFE).
    - Assigning required security and similar online training.
    - Arranging for issuance of replacement PIV cards (personal identity verification).
- Continued to pay the salaries and benefits of OCR employees who received RIF notices on March 11, 2025, and have been on paid administrative leave since March 21, 2025, at a cost to the Department of nearly \$1 million per week.
- Ensured that OCR continues to process, investigate, and resolve complaints:
  - From March 11 to August 25, 2025, OCR received 7,596 complaints; opened 497 for investigation; opened 32 directed investigations; dismissed 5,225 complaints consistent with OCR's Case Processing Manual; resolved 117 complaints after investigation concluded insufficient evidence for findings; and resolved 442 complaints with voluntary agreements, OCR-mediated settlements, or technical assistance from OCR to ensure a recipient's digital resources are accessible to students with disabilities.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed in Washington, DC this 26<sup>th</sup> day of August, 2025.

  
David Samberg